U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17808

PROJECT LOCATION INFORMATION:

Texas

County:

Karnes

Site 1 - N28 49'15.1329", W97 50'47.8171"; Site 2 - N28 49'19.1764, Center coordinates of site (latitude/longitude): W97 50'45.7065"; Site 3 -N28 49'15.8937", W97 50'49.3951"; Site 4 - N28 49'16.2098", W97 50'48.3586; Site 5 - N28 49'22.2890", W97 50'44.9343; Site 6 - N28 49'23.0170", W97 50'42.6758"; Site 7 - N28 49'24.0667", W97 50'40.0448; Site 8 -N28 49'15.5761", W97 50'50.2471"; Site 9 - N28 49'18.0866", W97 50'43.6525"; Site 10 - N28 49'21.3982", W97 50'43.3577"; Site 11 - N28 49'24.9458", W97 50'44.0565"; Site 12 - N28 49'25.2001", W97 50'43.3896; Site 13 - N28 49'23.1444, W97 50'42.3792

Approximate size of area (parcel) reviewed, including uplands: 16.32 acres.

Name of nearest waterway: none

Name of watershed:

San Antonio River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 19 Oct 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17808 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Kenedy Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Karnes County National wetlands inventory maps: Kenedy Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Mathis Texas, Google 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

| FILE | NUMBER: | D-17807 |
|------|----------------|---------|
|------|----------------|---------|

| Sta Co Co Ap Na | CCT LOCATION INFORMATION: ate: Texas bunty: San Patricio conter coordinates of site (latitude/longitude): N28 6' 16.9189", W97 49' 30.9118" coproximate size of area (parcel) reviewed, including uplands: 15 acres. atmention of nearest waterway: none atmention of watershed: Nueces River | |
|-----------------------------|--|---------|
| JURIS Co | DICTIONAL DETERMINATION completed: Desktop determination Site visit(s) Date: 19 October 2005 Date(s): | |
| Ju | risdictional Determination (JD): | |
| | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | e le |
| × | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | |
| | ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: | hin |
| | ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | |
| | ☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction. | `No |
| | S OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used the past, or may be susceptible for use to transport interstate or foreign commerce. | in |
| | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17807 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mathis Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: ☑ USDA Natural Resources Conservation Service Soil Survey: San Patricio County National wetlands inventory maps: Mathis Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Mathis TX, Google 2005

Other photographs (Date):

☐ Advanced Identification Wetland maps:
☐ Site visit/determination conducted on:
☐ Applicable/supporting case law:
☐ Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17806

| PRO | OJEC | T LOCA | TION IN | FORMATION | l : | | |
|-----|-----------|-----------------|-------------|--------------------|--------------------|--------------------|--|
| | State | | Texas | | | | |
| | Cou | nty: | San Patri | | | | NOO 21 57 5504H, N/07 51121 7294H |
| | Cent | ter coordin | nates of si | te (latitude/long | itude) | : \ | N28 3' 56.5504", W97 51'31.6384" |
| | App | roximate s | size of are | ea (parcel) revie | wed, ii | ncluding | uplands: 3 acres. |
| | | ne of neare | | | | | |
| | Nam | ne of water | rshed: | Nueces River | | | |
| *** | oien. | ICTIONA | I DETE | RMINATION | | | |
| JUI | | | | determination | ı | X | Date: 18 October 2005 |
| | Con | ipieteu. | Site visit | | | ⊠ □ | Date(s): |
| | | | Site visit | 1(8) | | | Date(3). |
| | Juri | | | ination (JD): | | | |
| | П | Prelimina | ary JD - B | Based on availab | le info | ormation, | there appear to be (or) there appear to be no "waters of the |
| | | United St | tates" and | l/or "navigable v | vaters | of the U | nited States" on the project site. A preliminary JD is not appealable |
| | | | | R part 331). | | | |
| | _ | | | LTD. | | 1.11. | oution (Deference 22 CER part 221) |
| | \bowtie | | | | s an ap | pealable | action (Reference 33 CFR part 331). |
| | | Check al | l that app | ly: | | | |
| | | □ Tl | aua "nos | igoble woters o | f the I | Inited St | ates" (as defined by 33 CFR part 329 and associated guidance) within |
| | | Inere | e are nav | Approximate s | ize of | inriedict | ional area. |
| | | the revie | weu area. | Approximate | SIZC OI | jurisaret | iona aca. |
| | | There | are "wa | ters of the Unite | d State | es" (as c | defined by 33 CFR part 328 and associated guidance) within the |
| | | reviewed | larea. Ai | pproximate size | of juri | isdiction | al area: |
| | | | | | | | |
| | | \square There | e are "iso | lated, non-navi | gable, | intra-sta | tte waters or wetlands" within the reviewed area. |
| | | | | Decision supp | orted | by SWA | NCC/Migratory Bird Rule Information Sheet for Determination of No |
| | | | | Jurisdiction. | | | |
| ъ. | OTO 4 | or minic | DICTIO | NAL DETED | MINIA | TION. | |
| BA | '212 (| OF JUKIS | defined a | NAL DETERM | VIIINA Sart 31 | 110N; 19 as "ns | avigable waters of the United States": |
| | | The pres | ence of w | illuer 33 CFK p | hiect t | o the ebl | and flow of the tide and/or are presently used, or have been used in |
| | Ш | the pact | or may h | e suscentible fo | r use t | o transpo | ort interstate or foreign commerce. |
| | | me past, | of may b | e susceptible to | 1 use <u>r</u> | o transpe | microsiale of foreign comments |
| | В. | Waters | defined u | ınder 33 CFR ı | oart 32 | 28.3(a) a | s "waters of the United States": |
| | ñ | (1) The i | nresence (| of waters which | are c | urrently | used, or were used in the past, or may be susceptible to use in |
| | | interstate | e or foreig | gn commerce, ir | ıcludir | ng all wa | ters which are subject to the ebb and flow of the tide. |
| | П | (2) The | nresence | of interstate wat | ers inc | cluding it | nterstate wetlands'. |
| | 百 | (3) The | nresence : | of other waters | such a | s intrasta | te lakes, rivers, streams (including intermittent streams), mudflats, |
| | _ | sandflate | s wetland | ls sloughs prai | rie not | holes, w | et meadows, playa lakes, or natural ponds, the use, degradation or |
| | | destruct | ion of wh | ich could affect | inters | tate com | merce including any such waters (check all that apply): |
| | | | which are | or could be use | d by in | nterstate | or foreign travelers for recreational or other purposes. |
| | | (ii) | from whi | ch fish or shellf | ish are | e or could | d be taken and sold in interstate or foreign commerce. |
| | | □ (iii) | which a | re or could be us | sed for | industri | al purposes by industries in interstate commerce. |
| | | (4) Impo | oundment | s of waters othe | rwise | defined a | as waters of the US. |
| | | (5) The | presence | of a tributary to | a wate | er identif | fied in (1) - (4) above. |
| | | (6) The | presence | of territorial sea | ıs. | | Cit. IIC for those wetlands adjacent to other wetlands |
| | | (7) The | presence | of wetlands adj | acent ² | to other | waters of the US, except for those wetlands adjacent to other wetlands |
| | | | | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17806

| Lat | ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mathis Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acgological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Su |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRIC FILE NU | CT OFFICE: MBER: | Galveston D-17550 | | |
|--|--|---|---|---|
| State Cour Cent Appr Nam | e: Texas nty: Live Ost er coordinates of roximate size of a | site (latitude/longitud rea (parcel) reviewed, rway: Nueces River | e): 28 25 , includin | 40.2760; 98 06 38.3016 g uplands: 60 acres. |
| | ICTIONAL DET pleted: Deskto Site vis | p determination | ⊠ □ | Date: 1 Aug 2005 Date(s): |
| Juri 🗆 | United States" ar | Based on available in nd/or "navigable wate | formation | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| \boxtimes | (Reference 33 Cl Approved JD – A Check all that ap | An approved JD is an | appealabl | e action (Reference 33 CFR part 331). |
| | ☐ There are "na the reviewed are | avigable waters of the a. Approximate size | United S | tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: <u>0 acre.</u> |
| | ☐ There are "wreviewed area. | raters of the United St Approximate size of ju | ates" (as urisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: <u>0.47 acre</u> . |
| | ☐ There are "is | solated, non-navigable Decision supporte Jurisdiction. | e, intra-si ed by SW. | tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| BASIS (| Waters defined The presence of | waters that are subject | 329 as "it to the el | navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce. |
| B. ⊠ □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□ | (1) The presence interstate or fore (2) The presence (3) The presence sandflats, wetlar destruction of w (i) which are (ii) from w (iii) which (4) Impoundme (5) The presence (6) The presence | e of waters, which are eign commerce, include of interstate waters it of other waters such ads, sloughs, prairie perhich could affect intereor could be used by hich fish or shellfish are or could be used fants of waters otherwise of a tributary to a war of territorial seas | ding all wincluding as intrassotholes, we restate corvinterstate are or could for industries defined ater identification. | tate lakes, rivers, streams (including intermittent streams), muditats, wet meadows, playa lakes, or natural ponds, the use, degradation or inmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. rial purposes by industries in interstate commerce. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Non-tidal portion of Nueces River above salt water dam.

REVISED 7 SEP 04

FILE NUMBER: D-17550

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: |
|-----|--|
| 2 | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Galveston **DISTRICT OFFICE:** 23965 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Cameron Center coordinates of site (latitude/longitude): 26 05 43.1017; 97 17 24.4789 Approximate size of area (parcel) reviewed, including uplands: 0.2 acre. Name of nearest waterway: Laguna Madre Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 19 October 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.013 acre. ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tidal waters of Laguna Madre.

REVISED 7 SEP 04 FILE NUMBER: 23965

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: |
|-----|---|
| ☒ | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Laguna Vista, Texas. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory map: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23944

| 1.01 | 2110 | D.L. | | | | | |
|------|---|------------|-------------------|----------------------|---------------|---|--|
| PRC | IFC | TLOCA | TION INF | ORMATION: | | | |
| 110 | State | | Texas | 011111111111 | | | |
| | Cour | | Nueces | | | | |
| | Cent | er coordii | | (latitude/longitu | de): | 27-50-235.23 97-3-56.12 | |
| | Anni | roximate | size of area | (parcel) reviewed | d. including | g uplands: approx. 1 acres. | |
| | Nam | e of near | est waterwa | y: Corpus Christ | ti Ship Cha | nnel | |
| | | e of wate | | Corpus Christi Ba | av | | |
| | Itami | e or wate | isiica. | 50.pus 5s. = 1 | , | | |
| HR | ISDI | CTION | AL DETER | RMINATION | | | |
| | | | | etermination | \boxtimes | Date: 21 October 2005 | |
| | Com | ipicica. | Site visit(s | | ā | Date(s): | |
| | | | Site visit(s | ·) | Sec. 1 | Buto(s). | |
| | Juri | | | ation (JD): | | | |
| | П | Prelimin: | arv ID - Ba | sed on available | informatior | n, \square there appear to be (or) \square there appear to be no "waters of the | |
| | | United S | tates" and/o | or "navigable wat | ers of the U | Jnited States" on the project site. A preliminary JD is not appealable | |
| | | | ce 33 CFR | | | • • | |
| | | (Itereren | 00 33 01 11 | partoti | | | |
| | \boxtimes | Approve | d JD – An a | approved JD is ar | appealable | e action (Reference 33 CFR part 331). | |
| | | | I that apply | | 1.1 | • | |
| | | | • • • | | | | |
| | | There | <i>are</i> "navis | pable waters of th | e United S | tates" (as defined by 33 CFR part 329 and associated guidance) within | |
| | | the revie | wed area | Approximate size | of jurisdic | etional area: 0.05 acres. | |
| | | | | | | | |
| | | ☐ There | e are "wate | rs of the United S | States" (as | defined by 33 CFR part 328 and associated guidance) within the | |
| | reviewed area. Approximate size of jurisdictional area: | | | | | | |
| | | | | | | | |
| | | Ther | e are "isolo | ited, non-navigab | ole, intra-st | ate waters or wetlands" within the reviewed area. | |
| | | | | Decision support | ted by SWA | ANCC/Migratory Bird Rule Information Sheet for Determination of No | |
| | | | | Jurisdiction. | • | | |
| | | | | | | | |
| BA | SIS C | F JURIS | SDICTION | AL DETERMI | NATION: | | |
| | Δ | Waters | defined un | der 33 CFR par | t 329 as "n | avigable waters of the United States": | |
| | X | The pres | ence of wat | ers that are subje | ect to the eb | bb and flow of the tide and/or are presently used, or have been used in | |
| | | the past. | or may be | susceptible for us | se to transp | ort interstate or foreign commerce. | |
| | | шт рии, | | | | | |
| | B. | Waters | defined un | der 33 CFR par | t 328.3(a) | as "waters of the United States": | |
| | X | (1) The | nresence of | waters, which ar | e currently | used, or were used in the past, or may be susceptible to use in | |
| | K-3 | interstat | e or foreign | commerce, inclu | iding all wa | aters which are subject to the ebb and flow of the tide. | |
| | | (2) The | presence of | interstate waters | including | interstate wetlands ¹ . | |
| | Ħ | (3) The | presence of | other waters suc | h as intrast | ate lakes, rivers, streams (including intermittent streams), mudflats, | |
| | | sandflat | s. wetlands. | sloughs, prairie | potholes, w | vet meadows, playa lakes, or natural ponds, the use, degradation or | |
| | | destruct | ion of whic | h could affect int | erstate com | nmerce including any such waters (check all that apply): | |
| | | (i) | which are o | r could be used b | v interstate | or foreign travelers for recreational or other purposes. | |
| | | (ii) | from which | h fish or shellfish | are or coul | ld be taken and sold in interstate or foreign commerce. | |
| | | 片 (iii |) which are | or could be used | for industr | ial purposes by industries in interstate commerce. | |
| | | (4) Imp | oundments | of waters otherw | ise defined | as waters of the US. | |
| | H | (5) The | nresence of | f a tributary to a v | vater identi | fied in (1) – (4) above. | |
| | Ħ | (6) The | presence of | f territorial seas | | | |
| | Ħ | (7) The | presence of | f wetlands adjace | nt2 to other | waters of the US, except for those wetlands adjacent to other wetlands. | |
| | | | | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located in the Port Aransas Municipal Harbor which opens into the Corpus Christi Ship Channel, a navigable, federally maintained channel subject to the ebb and flow of the tide

FILE NUMBER: 23944 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** ☐ The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: Port Aransas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Aransas State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17782 (Site 2)

| | State Cour Cent Appr Nam | e: nty: er coordi roximate | Texas Refugionates of size of an est water | site (latitu ea (parce way: San | ATION: ade/longitude el) reviewed, Antonio Bay | including | 28-19-17/96-47-25 guplands: 5 acres. |
|-----|--------------------------------------|---|---|--|---|---|--|
| JUR | | ICTIONA | | ERMINA o determination of the | | | Date: 5 October 2005 Date(s): |
| | Juri | sdictiona | al Detern | nination | (JD): | | |
| | | Prelimin United S | ary JD - States" an | Based on | available in igable water | formation rs of the U | , \(\sum_\) there appear to be (or) \(\sum_\) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| | | | ed JD – A Il that ap | | ed JD is an a | appealable | e action (Reference 33 CFR part 331). |
| | | ☐ Ther | e are "na ewed area | vigable v a. Approx | vaters of the ximate size o | United St | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: |
| | | ☐ Ther | e are "w d area. A | aters of th | ne United Sta ate size of ju | ates" (as our isdiction | defined by 33 CFR part 328 and associated guidance) within the al area: |
| | | ☐ Ther | re are "is | Decisi | on-navigable ion supporte iction. | e, intra-sta d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| RA | SIS (| OF JURI | SDICTION | ONAL D | ETERMIN | ATION: | |
| | A . | Waters The pres | defined sence of | under 33 waters that | CFR part at are subject | 329 as "n t to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce. |
| | B | (1) The interstat (2) The (3) The sandflat destruct [iii] [iii] (4) Imp (5) The | presence presence presence presence is, wetlantion of w which are from which are oundmen presence | of watersign common of intersection of other ids, sloughich could be or could itch fish common of water of a tribute of territor. | s, which are nerce, include tate waters in waters such hs, prairie ped affect intered be used by or shellfish a all be used feers otherwis utary to a waterial seas | currently ling all wa neluding i as intrasta otholes, w estate com interstate are or coul- or industri e defined | used, or were used in the past, or may be susceptible to use in sters which are subject to the ebb and flow of the tide. Interstate wetlands. Interstate wetlands. Interstate wetlands. Interstate wetlands. Interstate wetlands in the lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken and sold in interstate commerce. In the latest taken are sold in the latest taken and sold in interstate commerce. In the latest taken are sold in the latest taken and sold in the latest taken are sold in the latest |
| | | (7) The | presence | of wetla | nds adjacent | to other | waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17782 (Site 2)

| ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tivoli SE U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Refugio County National wetlands inventory maps: Tivoli SE State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Applicant's on-ground photographs. |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17782 (Site 1)

| PRO | State Cour Cent Appr Nam | |
|-----|--------------------------------------|---|
| JUF | | CTIONAL DETERMINATION Inpleted: Desktop determination |
| | Juri | sdictional Determination (JD): |
| | | Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| | | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | | ☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | | ☐ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| RA | SIS (| OF JURISDICTIONAL DETERMINATION: |
| 2 | | Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| | в. П | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. |
| | | (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17782 (Site 1)

| Lat | Ordinary High Water Mark indicated by: High Tide Line indicated by: Clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: |
|------|---|
| (C.) | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tivoli SE U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: Refugio County National wetlands inventory maps: Tivoli SE State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Applicant's on-ground photographs. |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC FILE NUMBER: D-17809 PROJECT LOCATION INFORMATION: Texas State: Karnes County: Site 1 - N28 49'15.1329", W97 50'47.8171"; Site 2 - N28 Center coordinates of site (latitude/longitude): 49'19.1764", W97 50'45.7065" Approximate size of area (parcel) reviewed, including uplands: .14 acres. Name of nearest waterway: unnamed tributary to San Antonio River Name of watershed: San Antonio River JURISDICTIONAL DETERMINATION Date: 9 August 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): ☐ Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .055 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

 $\overline{\square}$ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
 (5) The presence of a tributary to a water identified in (1) − (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17809

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Cother (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. □ This office concurs with the delineation report, dated , prepared by (company): □ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Karnes Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: Karnes County National wetlands inventory maps: Karnes Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Karnes TX, Google 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

^TWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17581

| PROJE | CT LOCATION | NINFORMATION: | | |
|-------------------|--|--|---|---|
| Cen App Nar | nty: Nuec ter coordinates or proximate size or | of site (latitude/longitude f area (parcel) reviewed, terway: Oso Creek | e): including | N27.67831 W97.42195 uplands: 31.6 acres. |
| | npleted: Desk | ETERMINATION ctop determination visit(s) | \boxtimes | Date: Date(s): 9/16/05 |
| Jur | isdictional Dete | ermination (JD): | | |
| | Preliminary JD United States" |) - Based on available in | formation rs of the U | , ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| \boxtimes | Approved JD - Check all that | | appealable | action (Reference 33 CFR part 331). |
| | ☐ There are 'the reviewed a | 'navigable waters of the area. Approximate size of | United State of jurisdict | ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: |
| | There are reviewed area. | waters of the United Sta Approximate size of ju | ates" (as our isdictions | defined by 33 CFR part 328 and associated guidance) within the al area: 9.1 acres. |
| | ☐ There are | "isolated, non-navigable Decision supported Jurisdiction. | e, intra-sta d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No |
| Δ | Waters define The presence | of waters that are subject | 329 as "nate to the ebl | avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce. |
| B. □ ⊠ | (1) The preser interstate or for (2) The preser (3) The preser sandflats, wet destruction of (i) which (ii) from (iii) which (4) Impoundn (5) The preser | nce of waters, which are oreign commerce, includence of interstate waters in the of other waters such lands, sloughs, prairie por which could affect interface or could be used by which fish or shellfish as the are or could be used for the or coul | currently ing all wa neluding in as intrasta otholes, we state committerstate re or could or industrice defined a | te lakes, rivers, streams (including intermittent streams), muditats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In all purposes by industries in interstate commerce. |
| | (6) The presen | nce of territorial seas | | waters of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ others |
|-----|--|
| o e | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NW, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Delogical Survey 15 Minute Historic quadrangles: U.S. According to the Historic Service Soil Survey: National wetlands inventory maps: Oso Creek NW, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: +12.54 feet (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 9/16/05 Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: D-17388**

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

BRAZORIA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 278905 E, 3259689 N

Approximate size of area (parcel) reviewed, including uplands: 0.06 ACRE acres.

Name of nearest waterway: MUSTANG BAYOU

Name of watershed: 12040204

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 OCT 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: WHILE THE WATERBODY IS JURISDICTIONAL UNDER SEC 404 OF THE CWA, NO FILL IS TO BE PLACED BELOW THE ORDINARY HIGH WATER MARK. THEREFORE, THE ACTIVITY IS NOT JURISDICTIONAL.

FILE NUMBER: D-17388 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: \boxtimes other: AS STATED BY APPLICANT Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: MANVEL, YX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): SUBMITTED BY APPLICANT

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):



U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17390

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

BRAZORIA Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 276896 E, 3261163 N

Approximate size of area (parcel) reviewed, including uplands: 0.07 ACRE acres.

Name of nearest waterway: MUSTANG BAYOU

Name of watershed: 12040204

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 OCT 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: WHILE THE WATERBODY IS JURISDICTIONAL UNDER SEC 404 OF THE CWA, NO FILL IS TO BE PLACED BELOW THE ORDINARY HIGH WATER MARK. THEREFORE, THE ACTIVITY IS NOT JURISDICTIONAL.

FILE NUMBER: D-17390

| La ⊠ | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: AS STATED BY APPLICANT High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|---------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: MANVEL, YX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangle |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).



U.S. Army Corps of Engineers

| FIL | E NU DJE(Stat | |
|-----|----------------------|--|
| | App Nan | ty: Harris er coordinates of site (latitude/longitude): 29° 54′ 27″N, 95° 36′ 44″W oximate size of area (parcel) reviewed, including uplands: _45.2 ac e of nearest waterway: White Oak Bayou e of watershed: Buffalo/San Jacinto |
| JUR | | CTIONAL DETERMINATION pleted: Desktop determination |
| | Juri | dictional Determination (JD): |
| | | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| | Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction. |
| BAS | IS C | F JURISDICTIONAL DETERMINATION: |
| | | Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| | В. | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": |
| | | (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . |
| | | (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. |
| | | (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. |
| | 百 | 7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetland |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | | | 2 | | | |
|---|--|--|--|---|--|--|
| FILE NUMB | SER: D | -17434 | | | | |
| Lateral Exter | inary High Water clear, natural lin the presence of l changes in the cl | e (Reference: 33 CFR par Mark indicated by: e impressed on the bank itter and debris naracter of soil restrial vegetation | | oil or fine s | | sits (foreshore) |
| Mea □ s | n High Water Ma survey to available | rk indicated by: datum; physical man | rkings; 🔲 vegeta | tion lines/cl | hanges in vegetation | on types. |
| ■ Wet | land boundaries, a | s shown on the attached | wetland delineati | on map and | or in a delineation | report prepared by: |
| ☐ The in Unab ☐ Unab ☐ Head ☐ The | ble to confirm the dquarters declined Corps has made a ed States: Waste treatmer Artificially irri Artificial lakes retain water an rice growing. Artificial reflect by excavating a Water-filled dethe purpose of abandoned and 328.3(a). Isolated, intrast Prior converted. | sists entirely of uplands. presence of waters in 33 to approve jurisdiction of case-specific determinated the systems, including treated areas, which would and ponds created by exity which are used exclusive ting or swimming pools and/or diking dry land to pressions created in dry lobtaining fill, sand, or grather resulting body of water wetland with no nexulting controlled, as determined age or irrigation ditches of | on the basis of 33 ion that the follow that the follow the transfer of the tra | CFR part 32 wing waters agoons, purs if the irrigaliking dry la coses as stormarily aes construction till the consinition of water mimerce. | 28.3(a)(3). present on the site suant to 33 CFR pa tion ceased. Ind to collect and to watering, irrigate dies of water create sthetic reasons. In activity and pits struction or excava atters of the United | art 328.3. tion, settling basins, or ted excavated in dry land for tion operation is States found at 33 CFR |
| Maps Data : Data : Corps U.S. (U.S. | s, plans, plots or plans, plots or plans, prepared/substitute office concurs fits office does not sheets prepared by a navigable water Geological Survey Geological Survey Geological Survey A Natural Resourch wetlands investigated in wetlands investigated in the state of the sta | s' studies: Hydrologic Atlas: 7.5 Minute Topographic 7.5 Minute Historic qua- 15 Minute Historic qua- es Conservation Service ntory maps: Satsuma, 199 entory maps: Ap Name & Date): FIRM | half of the applicant. ort, datedJune tion report, dated c maps: Satsuma, drangles: drangles: Soil Survey: Ha | ant. 22, 2005, pMarch 2 1995 rris County | repared by (compa 005, prepared by (| any): Terracon company): |

Aerial Photographs (Name & Date): 2002 CIR
Other photographs (Date): Site photos
Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify): Applicant's information

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| | T OFFICE: CESWG-PE-RC MBER: D-17621 |
|--|---|
| State: Count Center Appro Name | Texas y: Harris County coordinates of site (latitude/longitude): 29° 41' 58"N, 95° 15' 57"W (NAD27) ximate size of area (parcel) reviewed, including uplands: |
| | TIONAL DETERMINATION leted: Desktop determination |
| Jurisd | lictional Determination (JD): |
| U | reliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the Inited States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable Reference 33 CFR part 331). |
| | pproved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Heck all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the eviewed area. Approximate size of jurisdictional area: |
| E | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. W | JURISDICTIONAL DETERMINATION: Vaters defined under 33 CFR part 329 as "navigable waters of the United States": the presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| (1 in in (2 (3 (3 sa da (4 (4 (5 (5 (6 (6 (6 (6 (6 (6 (6 (6 (6 (6 (6 (6 (6 | Vaters defined under 33 CFR part 328.3(a) as "waters of the United States":) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in iterstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, undflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or estruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) Impoundments of waters otherwise defined as waters of the US. The presence of a tributary to a water identified in (1) – (4) above. The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. |
| water o | tale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional for wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable of the United States, describe connection(s) to the downstream navigable of the United States, describe connection(s) to the downstream navigable of the United States (as the Basis of Jurisdiction, document navigability and/or interstate commerce connection) |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17621 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated ___, prepared by: This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Park Place, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County, Texas National wetlands inventory maps: 1999 Park Place State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 885 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ, Park Place Other photographs (Date): Site Photographs Submitted by Applicant on 18 July 2005 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| | | ICE: CESWG-PE-RC D-17530 | | |
|-----------------------------|--|---|---|--|
| Sta Co Ce Ap Na | ite: Texas unty: Liber nter coordi proximate me of near | | | 5' 02"N, 94° 43' 36"W (NAD27) ng uplands:0.01 acres. |
| | | AL DETERMINATION Desktop determination Site visit(s) | <u>Z</u> | Date: 20 October 2005 Date(s): 21 July 2005 |
| Ju | risdictiona | al Determination (JD): | | |
| | United S | | | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| Ø | | ed JD – An approved JD is and that apply: | appealab | le action (Reference 33 CFR part 331). |
| | There the revie | e are "navigable waters of the wed area. Approximate size | e United S of jurisdi | States" (as defined by 33 CFR part 329 and associated guidance) within ctional area: |
| | | e are "waters of the United S I area. Approximate size of j | | defined by 33 CFR part 328 and associated guidance) within the nal area:0.01 acre |
| | T here | | | tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No |
| <u>A.</u> | Waters of | ence of waters that are subject | 329 as "ret to the el | navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| | (1) The p interstate (2) The p (3) The p sandflats destruction (i) w (ii) f (iii) (4) Import | presence of waters, which are to r foreign commerce, include presence of interstate waters in presence of other waters such to, wetlands, sloughs, prairie p on of which could affect inter which are or could be used by from which fish or shellfish a | currently ding all was intrasts otholes, was interestate comminterstate are or coulor industrie defined | ate lakes, rivers, streams (including intermittent streams), mudflats, yet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. It is all purposes by industries in interstate commerce. It is a waters of the US. |
| Ž S | (6) The p | presence of territorial seas. | | waters of the US, except for those wetlands adjacent to other wetlands. |
| wat wat | er or wetla ers. If B(1) | and is not itself a navigable v ') or B(3) is used as the Basis | vater of th of Jurisd | nation (applies to any boxes checked above). If the jurisdictional e United States, describe connection(s) to the downstream navigable liction, document navigability and/or interstate commerce connection body is navigable and/or how the destruction of the waterbody could |

affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Spinks Creek is a named tributary of the Trinity River. The Trinity River is a navigable water of the United States.

FILE NUMBER: D-17530

| L: ⊠ | Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other: |
|---------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | In the reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA) | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by: This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1993 Shiloh, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minu |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILE PROJ | NU EC | | TION | CESWG D-17297 INFORMATION: | | | | |
|--------------|-------------|---|---|--|---|---|---|------------------------------|
| | tate | | Texas Harris | | | | | |
| C A N | ente ppr | er coordi oximate e of near | nates o size of est wat | of site (latitude/longi area (parcel) review erway: Spring Cree Spring Creek | ed, includi | | ' 50"N, 95° 22' 41"W 50 ac | |
| | | | Deskt | TERMINATION top determination risit(s) | | Date: Date(s): | 10/18/05 10/7/05 | |
| J | uris | dictiona | il Dete | rmination (JD): | | | | |
| |] | Prelimina United S | ary JD tates" a | - Based on available | | | appear to be (or) there appear to be so on the project site. A preliminary II | |
| Þ | | Approve Check al | | • • | ın appealat | ole action (Re | ference 33 CFR part 331). | |
| | | | | navigable waters of tea. Approximate size | | | fined by 33 CFR part 329 and associat | ed guidance) within |
| | | | | | | | 3 CFR part 328 and associated guidan 2.73-ac | ce) within the |
| | j | There | e are "i | | | | r wetlands" within the reviewed area. atory Bird Rule Information Sheet for I | Determination of No |
| BASIS | O | F JURIS | DICT | IONAL DETERM | NATION: | : | | |
| A E |] 1 | The prese | ence of | waters that are subj | ect to the e | bb and flow | aters of the United States": of the tide and/or are presently used, or or foreign commerce. | have been used in |
| | 1 | (1) The p | resenc | e of waters, which a | re currently | y used, or we | of the United States": The used in the past, or may be susceptible to the ebb and flow of the time. | |
| |] (| (2) The p | resenc | e of interstate water | s including | interstate we | tlands ¹ . | |
| | - : | sandflats destruction (i) w (ii) f | , wetla on of w which a from w | nds, sloughs, prairie hich could affect in re or could be used l hich fish or shellfish | potholes, voterstate cor by interstate are or cou | wet meadows nmerce inclue or foreign to ald be taken a | ers, streams (including intermittent streams, playa lakes, or natural ponds, the use, ding any such waters (check all that approved a velers for recreational or other purpout of sold in interstate or foreign commendation. | degradation or ply): ses. |
| | | | | are or could be used nts of waters otherw | | | by industries in interstate commerce. the US. | |
| | 3 (| (5) The p | resenc | e of a tributary to a | | | | |
| × | | | | e of territorial seas. e of wetlands adjace | nt2 to other | r waters of th | e US, except for those wetlands adjace | nt to other wetlands. |
| R | atio | nale for | the B | asis of Jurisdiction: | al Determi | nation (appl | ies to any boxes checked above). If the | ne jurisdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Portions of Spring Creek are within the project boundaries and the wetlands are immediately adjacent to Spring Creek which flows into the San Jacinto River, a navigable waterway.

| FILE N | UMBER: D-17297 |
|---|--|
| Lateral ⊠ | Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Ø | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Carer Burgess |
| | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| Burgess X X X X X X X X X X X X X X X X X X | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, datedOctober 2005, prepared by (company): Carter Burgess . This office does not concur with the delineation report, datedMarch 2005, prepared by (company): Carter Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Spring , 1999 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Topographic Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Topographic Historic quadrangles: U.S. Geological Survey 19 Minute Topographic Historic quadrangles: U.S. Geological Survey |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: GALVESTON FILE NUMBER: D-17787, Angel Sanchez

| PROJECT I | OCATION | INFORMA | TION: |
|-----------|---------|---------|-------|

State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

League City Quad, 29.32'66; 95.4'69W

Approximate size of area (parcel) reviewed, including uplands: .14 acres.

Name of nearest waterway: Clear Lake

Name of watershed:

12040204; West Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-20-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 123 linear feet.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
 - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17787

| | Il Extent of Jurisdiction: (Reference: 33 CFR parts 3 redinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | |
|--|--|---|-----|
| Me | ean High Water Mark indicated by:] survey to available datum; physical markings; | ☑ vegetation lines/changes in vegetation types. | |
| Z We | etland boundaries, as shown on the attached wetland | delineation map and/or in a delineation report prepared by: | |
| The Un: Hea The | Waste treatment systems, including treatment por Artificially irrigated areas, which would revert the Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain where Water-filled depressions created in dry land inciting the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meet: 328.3(a). Isolated, intrastate wetland with no nexus to interest are sufficiently sufficiently are sufficiently suffi | sis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. o upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land feess and until the construction or excavation operation is set the definition of waters of the United States found at 33 CFI | for |
| | Non-tidal drainage or irrigation ditches excavate Other (explain): | d on dry land. Explain rationale: | |
| Map Data Corp U.S U.S U.S USI Nati State FEN 100- Aeri Othe Adv Site App | IEWED FOR JURSIDICTIONAL DETERMINA ps, plans, plots or plat submitted by or on behalf of the ta sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, dated This office does not concur with the delineation report ta sheets prepared by the Corps. rps' navigable waters' studies: G. Geological Survey Hydrologic Atlas: G. Geological Survey 7.5 Minute Topographic maps: G. Geological Survey 7.5 Minute Historic quadrangles: G. Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Surtional wetlands inventory maps: te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): Pyear Floodplain Elevation is: (NGVD) tial Photographs (Name & Date): ter photographs (Date): | ne applicant. oplicant. d , prepared by (company): ort, dated , prepared by (company): | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: GALVESTON

FILE NUMBER: SWG-05-13-013, John B. Darby

PROJECT LOCATION INFORMATION:

State: County: Texas Walker

Center coordinates of site (latitude/longitude):

Staley Quad, 30.41'45 N, 95.20'34 W;

Approximate size of area (parcel) reviewed, including uplands: 1.6 acres.

Name of nearest waterway: Lake Livingston

Name of watershed: Lower Trinity Kickapoo, 12030202

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-20-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-13-013

| | | om line along shore objects or debris deposits (foreshore) markings/characteristics |
|--|--|--|
| ⊠ su | an High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/chan | • |
| Wetla | etland boundaries, as shown on the attached wetland delineation map and/or | in a delineation report prepared by: |
| The re Unab Head The C | or Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). adquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3 e Corps has made a case-specific determination that the following waters pre ited States: Waste treatment systems, including treatment ponds or lagoons, pursuar Artificially irrigated areas, which would revert to upland if the irrigation Artificial lakes and ponds created by excavating and/or diking dry land retain water and which are used exclusively for such purposes as stock v rice growing. Artificial reflecting or swimming pools or other small ornamental bodies by excavating and/or diking dry land to retain water for primarily aesthe Water-filled depressions created in dry land incidental to construction as the purpose of obtaining fill, sand, or gravel unless and until the constru- abandoned and the resulting body of water meets the definition of water 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conse | execution the site are not Waters of the cut to 33 CFR part 328.3. In ceased. It to collect and watering, irrigation, settling basins, or so of water created extic reasons. It citizen to collect and pits excavated in dry land for ction or excavation operation is so of the United States found at 33 CFR |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain Other (explain): | rationale: |
| Maps, Data s Data s Corps U.S. G U.S. G U.S. G USDA Nation State/I FEMA 100-ye Aerial Other j Advan Site vis | EWED FOR JURSIDICTIONAL DETERMINATION (mark all that a place), plans, plots or plat submitted by or on behalf of the applicant. a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (concurs of the delineation report), dated prepared by the Corps. a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: Sonal wetlands inventory maps: MA/FIRM maps (Map Name & Date): Peyear Floodplain Elevation is: (NGVD) Sal Photographs (Name & Date): Per photographs (Date): anced Identification Wetland maps: visit/determination conducted on: licable/supporting case law: | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23966

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Motgomerty

Center coordinates of site (latitude/longitude):

Lat: 30.17.11 Long: 95.26.20

Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Stewarts Creek & Valwoods Branch

Name of watershed: West Fork San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 20 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the present the pre United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Please See: I-4868

| Lat | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|
| E | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Conroe U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic q |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-43-006

PROJECT LOCATION INFORMATION:

State: Texas
County: Montgomery

Center coordinates of site (latitude/longitude): 30.3406N; 95.4945W Approximate size of area (parcel) reviewed, including uplands: 100 acres.

Name of nearest waterway: White Oak Creek Name of watershed: White Oak Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 18 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \boxtimes there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: SWG-05-43-006 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Conroe, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 12656(07)

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State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

Lat: 29.32.40 Long: 95.04.34

Approximate size of area (parcel) reviewed, including uplands: 20 acres.

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 17 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear to be no" waters of the appear to be no" waters of the appear to be no "waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no "waters of the appear t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: 12656(07)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , p ☐ This office does not concur with the delineation report, dated , prepared by (company): , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

shelving

other:

United States:

328.3(a).

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

 \Box

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23961

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.45.15 Long: 95.18.04

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 17 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
 - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lat | Cordinary High Water Mark indicated by: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetlands inventory maps: |
| | FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17239

PROJECT LOCATION INFORMATION:

State:

TX

County:

Harris Center coordinates of site (latitude/longitude):

29° 35' 18"N, 94° 59' 43"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Galveston Bay

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10/20/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) \(\subseteq \text{there appear to be no "waters of the no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There appear to be wetlands adjacent to Galveston Bay, (a navigable water of the US)

FILE NUMBER: D-17239

| | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation destruction of terrestrial vegetation other: |
|------|--|
| S. 3 | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| 2.7 | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated July 2005, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23935

| PROJE | CT LOCAT | ION INI | FORMATION: | | |
|--------------|--|------------------------|--|----------------------------|---|
| Stat | e: 7 | Γexas | | | |
| | | | ınd Matagorda Coı | | |
| Cen | ter coordina | ites of site | e (latitude/longitud | le): | 28° 32' 10" N, 96° 20' 29"W |
| App | roximate si | ze of area | (parcel) reviewed | l, including | g uplands: 250,485 acres. |
| Nan | ne of neares | t waterwa | ay: Matagorda Bay | / | |
| | ne of waters | hed: | Huc Code: 121004 | 401, Centr | al Matagorda Bay |
| | | | | | |
| | | | RMINATION | | |
| Cor | npleted: | Desktop o | letermination | Ø | Date: 19 October 2005 |
| | 5 | Site visit(| s) | | Date(s): |
| | | | | | |
| Jur | | | nation (JD): | | |
| | Preliminar United Sta (Reference | tes" and/ | or "navigable wate | nformatior ers of the U | n, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| × | Approved Check all | | | appealable | e action (Reference 33 CFR part 331). |
| | There of the review | are "navi ed area. | gable waters of the Approximate size | e United St of jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 250,485 acres. |
| | There of the reviewed a | are "wate area. App | ers of the United Sproximate size of j | tates" (as urisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: 250,485 acres. |
| | | are "isolo | ated, non-navigable Decision supported Jurisdiction. | le, intra-sta ed by SWA | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| DACIC | OE HIDISI | NCTION | NAL DETERMIN | IATION. | |
| Α. | Waters de | efined un | der 33 CFR part ters that are subject | 329 as "n et to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| D | Watawa d | ofinad ur | dor 22 CED part | 328 3(a) | as "waters of the United States": |
| B. | (1) The no | esence of | f waters, which are | currently | used, or were used in the past, or may be susceptible to use in |
| 23 | interstate | or foreign | commerce, inclu | ding all wa | aters which are subject to the ebb and flow of the tide. |
| П | (2) The pr | esence of | f interstate waters | including i | interstate wetlands ¹ . |
| 一 | (3) The pr | esence of | f other waters such | as intrasta | ate lakes, rivers, streams (including intermittent streams), mudflats, |
| ******* | sandflats. | wetlands | , sloughs, prairie p | otholes, w | ret meadows, playa lakes, or natural ponds, the use, degradation or |
| | destructio | n of whic | th could affect inte | rstate com | merce including any such waters (check all that apply): |
| | □ (i) w | hich are o | or could be used by | interstate | or foreign travelers for recreational or other purposes. |
| | (ii) fr | om whic | h fish or shellfish a | are or coul | d be taken and sold in interstate or foreign commerce. |
| | iii) | which are | or could be used f | for industri | ial purposes by industries in interstate commerce. |
| | (4) Impou | indments | of waters otherwis | se defined | as waters of the US. |
| | (5) The pr | resence o | f a tributary to a w | ater identi | fied in (1) – (4) above. |
| | (6) The pr | resence o | f territorial seas. | 2 | |
| | (7) The pr | resence o | f wetlands adjacen | t' to other | waters of the US, except for those wetlands adjacent to other wetlands. |
| | | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Matagorda Bay is subject to the ebb and flow of the tide and is crossed by the Matagorda Ship Channel and the Gulf Intracoastal Waterway. Matagorda Bay is a navigable water of the United States.

| | Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line impressed on the bank Changes in the character of soil Changes in the character |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| × | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Keller Bay, Carancahua Pass, and Decros Point Quadrangles U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic qua |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23934

State:

Texas

County: Galveston Center coordinates of site (latitude/longitude):

29 19' 03"N, 94 45' 09"W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 16 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: West Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 19 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\Delta \) there appear to be (or) \(\Delta \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: undetermined acres.

☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.35 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wettands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Annual and Mean High Tide Line of the Gulf of Mexico, which is a navigable water of the United States, extends onto the proposed project site. Also, there are wetlands adjacent to the Gulf of Mexico located on the proposed project site.

| I. | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial photograph and project plans | C. 2373 T |
|-------------|---|----------------------|
| Ē | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | |
| B | Oliver (Galveston District File D-17055) asis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1 2 or 4-7) | f the as, or and for |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): | |
| | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 1.5 Minute Topographic maps: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): TxGLO Galveston March 2003 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: | |
| \boxtimes | Other information (please specify): Galveston District File D-17055 | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23828

| FILE | NUMBER | : 23828 | 3 | | | |
|------------------------|---|---|--|---|--|---|
| Si C C A N | tate: ounty: enter coord pproximate | Texa Galv linates e size o rest wa | reston of site (latitude f area (parcel tterway: Wes | de/longitud l) reviewed, st Galveston | including Bay | 29° 17' 42" N, 94° 55' 22" W g uplands: 0.156 acres. Galveston Bay |
| | | Desk | ETERMINA ktop determir visit(s) | | ⊠ □ | Date: 17 October 2005 Date(s): |
| J | urisdiction | al Dete | ermination (| JD): | | |
| | Prelimi United | nary JE States" |) - Based on | available in igable water | formation rs of the U | , there appear to be (or) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| D | Approv Check | | | ed JD is an a | appealable | e action (Reference 33 CFR part 331). |
| | ☑ The the rev | re are 'iewed a | ʻnavigable w rea. Approx | raters of the imate size of | United State of jurisdict | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: |
| | | | waters of the Approxima | | | defined by 33 CFR part 328 and associated guidance) within the al area: |
| | ☐ The | ere are | "isolated, no Decisio Jurisdi | on supported | e, intra-sta d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No |
| A | . Water The pro | s define esence o | of waters that | CFR part : t are subject | 329 as "na to the ebb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| | (1) The interstate (2) The interstate (2) The interstate (3) The sandflate destruction (ii) (ii) (iii) (iii) (iii) (iii) (iii) (iii) (4) Im | e preser ate or for e preser ets, wet etion of) which i) from ii) whice poundr | nce of waters or eign common ce of interstance of other valued, slough which could are or could which fish or hare or could then to of water or water of water or water of water of water of water of water or wat | , which are erce, includ ate waters in waters such as, prairie polaffect inter be used by r shellfish and be used for otherwise | currently using all wan neluding in as intrasta otholes, we state comminterstate or could be industriate defined a | used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce. |
| | (5) The | e preser | nce of a tribu | tary to a wa rial seas. | ter identif | Need in $(1) - (4)$ above. waters of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Galveston Bay is traversed by the GIWW a federally maintained navigation channel. West Bay is also subject to the ebb and flow of the tides. West Galvestoin Bay is therefore a navigable water of the United States.

8

| I.a | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329 | FILE NUMBER: 2382 |
|-----|--|--|
| | | igh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation | on lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation | map and/or in a delineation report prepared by: |
| Bas | Headquarters declined to approve jurisdiction on the basis of 33 Cl | FR part 328.3(a)(3). In waters present on the site are not Waters of the poons, pursuant to 33 CFR part 328.3. Ithe irrigation ceased. In dry land to collect and sees as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for it the construction or excavation operation is tion of waters of the United States found at 33 CFR merce. |
| | Non-tidal drainage or irrigation ditches excavated on dry land Other (explain): | nd. Explain rationale: |
| | Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , pr This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virginia Po U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: | t. repared by (company): , prepared by (company): int, Texas Quadrangle |
| | National wetlands inventory maps: Virginia Point, Texas Quadrang State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): 03 June 2005 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): | le |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23858

| | _ | | ORMATION | 1: | |
|---------|--|--|--|--|---|
| State | | Texas | | | |
| Cou | | Brazoria C | ounty (latitude/long | itude): | 29° 00' 40" N, 95° 27' 59" W |
| Ann | rovimate si | ze of area | (narcel) revie | wed including | uplands: 3.0 acres. |
| | | | y: Brazos Rive | | , |
| | ne of waters | | |)70104, Lower | Brazos |
| | | | | | |
| | | | MINATION | | |
| Con | npleted: | Desktop de | etermination | ⊠ □ | Date: 17 October 2005 |
| | \$ | Site visit(s |) | | Date(s): |
| Juri | isdictional | Determin | ation (JD): | | |
| , | | | | 1 - i - faation | , \sum there appear to be (or) \sum there appear to be no "waters of the |
| | United Sta (Reference | ites" and/o | r "navigable v | waters of the U | inited States" on the project site. A preliminary JD is not appealable |
| Ø | Approved Check all | | | an appealable | e action (Reference 33 CFR part 331). |
| | ★ There the review | are "navig ed area. A | able waters of Approximate s | f the United State of jurisdict | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.007 acre. |
| | There reviewed | are "water area. App | rs of the Unite roximate size | d States" (as of jurisdictions | defined by 33 CFR part 328 and associated guidance) within the al area: 0.007 acre. |
| | | | ted, non-navig Decision supp Jurisdiction. | gable, intra-sta orted by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| DACIC (| AE HIDISI | NICTION | AL DETERN | AINATION: | |
| A. | Waters de The presen | efined und | der 33 CFR pers that are su | eart 329 as "na bject to the ebb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| _ | *** | ~ , | 1 22 CED - | | s "waters of the United States": |
| B. ⊠ | (1) The n | eiinea und resence of | waters which | are currently i | used, or were used in the past, or may be susceptible to use in |
| 63 | interstate | or foreign | commerce, in | cluding all wa | ters which are subject to the ebb and flow of the tide. |
| | (2) The pr | resence of | interstate wat | ers including in | nterstate wetlands ¹ . |
| | (3) The properties (3) the prope | resence of wetlands, on of which | other waters s sloughs, prain could affect | such as intrasta rie potholes, we interstate com | te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. |
| | (ii) fi | rom which | fish or shellfi | ish are or could | d be taken and sold in interstate or foreign commerce. |
| | (iii) v | which are | or could be us | ed for industria | al purposes by industries in interstate commerce. |
| | (4) Impou | indments o | of waters other | rwise defined a | as waters of the US. |
| О | | | | | Tied in (1) – (4) above. |
| | (6) The proof (7) The proof (7) | resence of resence of | territorial sea wetlands adja | s. cent ² to other | waters of the US, except for those wetlands adjacent to other wetlands |
| D. | tionals for | the Resis | of Iurisdictic | nal Determin | ation (annlies to any hoxes checked above). If the jurisdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Brazos River is tidal from its mouth to the crossing of FM 521. The river flows through the Port of Freeport and is a navigable water of the United States.

| T | Annal Francis CL 1 11 11 (D 0) |
|---|--|
| | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: |
| ш | |
| | clear, natural line impressed on the bank oil or scum line along shore objects |
| | the presence of litter and debris fine shell or debris deposits (foreshore) |
| | changes in the character of soil physical markings/characteristics |
| | destruction of terrestrial vegetation tidal gages |
| | shelving other: |
| | other: |
| | |
| | Mean High Water Mark indicated by: |
| | survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| | — Vegetation intestendings in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| | by. |
| | |
| Ba | sis For Not Asserting Jurisdiction: |
| | The reviewed area consists entirely of uplands. |
| | Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). |
| | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). |
| | The Corps has made a case-specific determination that the following waters present on the site are not Waters of the |
| *************************************** | United States: |
| | Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. |
| | Artificially irrigated areas, which would revert to upland if the irrigation ceased. |
| | Artificially inflaced areas, which would revert to upland it the irrigation ceased. |
| | Artificial lakes and ponds created by excavating and/or diking dry land to collect and |
| | retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or |
| | rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created. |
| | |
| | by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for |
| | |
| | the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is |
| | abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR |
| | 328.3(a). |
| | Isolated, intrastate wetland with no nexus to interstate commerce. |
| | Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Other (explain): |
| | |
| | |
| DATA | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): |
| N N | Maps, plans, plots or plat submitted by or on behalf of the applicant. |
| | Data sheets prepared/submitted by or on behalf of the applicant. |
| | This office concurs with the delineation report, dated , prepared by (company): |
| | This office does not concur with the delineation report, dated prepared by (company): |
| Ш | Data sheets prepared by the Corps. |
| Ш | Corps' navigable waters' studies: |
| | U.S. Geological Survey Hydrologic Atlas: |
| | U.S. Geological Survey 7.5 Minute Topographic maps: Lake Jackson, Texas Quadrangle |
| | U.S. Geological Survey 7.5 Minute Historic quadrangles: |
| | U.S. Geological Survey 15 Minute Historic quadrangles: |
| | USDA Natural Resources Conservation Service Soil Survey: |
| | National wetlands inventory maps: Lake Jackson, Texas Quadrangle |
| | State/Local wetland inventory maps: |
| | FEMA/FIRM maps (Map Name & Date): |
| | 100-year Floodplain Elevation is: (NGVD) |
| | Aerial Photographs (Name & Date): |
| 靣 | Other photographs (Date): |
| 靣 | Advanced Identification Wetland maps: |
| ā | Site visit/determination conducted on: |
| ă | Applicable/supporting case law: |
| Ħ | Other information (please specify): |
| | (brease specify). |

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

533)

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER - 23803

J

| FILE NU | MIDER. 23073 |
|---------------------|---|
| State Cou Cen | |
| Nan | the of mearest waterway: West Galveston Bay the of watershed: West Galveston Bay Huc: 12040204 |
| | ICTIONAL DETERMINATION npleted: Desktop determination |
| .Jur | isdictional Determination (JD): |
| | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| × | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| BASIS (A. | DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| B. ⊠ | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. |
| | (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or |
| | destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. |
| | (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Galveston Bay is a navigable water of the United States subject to the ebb and flow of the daily tide Section 10 regulates work and/or structures in navigable waters and/or waters that are subject to the ebb and flow of the daily tide.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

| Lat | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: Shown on plans submitted by applicant. |
|--------|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

| DISTRICT OFFICE: CESWO FILE NUMBER: D-17495 | 3-PE-RC | |
|--|--|--|
| | (latitude/longitude): 29° 46 parcel) reviewed, includin :: Buffalo Bayou | 5' 06"N, 95° 37' 15"W (NAD27) g uplands:10.3 acres. |
| JURISDICTIONAL DETER Completed: Desktop de Site visit(s) | termination 🔣 | Date: 17 October 2005 Date(s): |
| Jurisdictional Determina | ition (JD): | |
| Preliminary JD - Bas United States" and/or (Reference 33 CFR p | "navigable waters of the I | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| Approved JD – An a Check all that apply: | oproved JD is an appealabl | e action (Reference 33 CFR part 331). |
| There are "navigathe reviewed area. A | able waters of the United S pproximate size of jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within the stional area: |
| | | defined by 33 CFR part 328 and associated guidance) within the nal area: |
| <u> </u> | ed, non-navigable, intra-st Decision supported by SWA urisdiction. | tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| The presence of water | er 33 CFR part 329 as "nrs that are subject to the eb | navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| D. Watana daffined und | or 33 CED nart 379 3/a) | os "waters of the United States". |

- Waters defined under 33 CFR part 328.3(a) as "waters of the United State
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17495

| Lat | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 32) | |
|--------------|--|--|
| | | igh Tide Line indicated by: |
| | clear, natural line impressed on the bank the presence of litter and debris | oil or scum line along shore objects |
| | changes in the character of soil | fine shell or debris deposits (foreshore) physical markings/characteristics |
| | destruction of terrestrial vegetation | tidal gages |
| | shelving | other: |
| | other: | |
| | Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation Wetland boundaries, as shown on the attached wetland delineation | |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, Headquarters declined to approve jurisdiction on the basis of 33 C The Corps has made a case-specific determination that the following United States: Waste treatment systems, including treatment ponds or lagen Artificially irrigated areas, which would revert to upland if Artificial lakes and ponds created by excavating and/or dikretain water and which are used exclusively for such purporice growing. Artificial reflecting or swimming pools or other small ornates by excavating and/or diking dry land to retain water for primal Water-filled depressions created in dry land incidental to content the purpose of obtaining fill, sand, or gravel unless and untabandoned and the resulting body of water meets the definition 328.3(a). Isolated, intrastate wetland with no nexus to interstate comprior converted cropland, as determined by the Natural Resulting Dother (explain): | FR part 328.3(a)(3). Ing waters present on the site are not Waters of the coons, pursuant to 33 CFR part 328.3. The irrigation ceased. Iting dry land to collect and sees as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for il the construction or excavation operation is ation of waters of the United States found at 33 CFR merce. Sources Conservation Service. Explain rationale: |
| | and the state of the | |
| | | |
| DATAE | DEVIEWED FOR HIDGIDICTIONAL DETERMINATION | ook all that and N |
| DAIAF | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mage Maps, plans, plots or plat submitted by or on behalf of the applicant | irk all that apply): |
| | Data sheets prepared/submitted by or on behalf of the applicant. | u. |
| Allenia. | | , prepared by (company): |
| | This office does not concur with the delineation report, dated | propaged by (company): |
| | Data sheets prepared by the Corps. | , 1 1, (|
| | Corps' navigable waters' studies: | |
| | U.S. Geological Survey Hydrologic Atlas: | |
| 23 | U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Hedv | vig Village |
| illa | U.S. Geological Survey 7.5 Minute Historic quadrangles: | |
| | U.S. Geological Survey 15 Minute Historic quadrangles: | |
| 1925 1937 | USDA Natural Resources Conservation Service Soil Survey: | 0.11 11 1.14 |
| | National wetlands inventory maps: U.S. Fish and Wildlife Service State/Local wetland inventory maps: | Online Wetlands Mapper |
| 53 | FEMA/FIRM maps (Map Name & Date): Harris County, Texas Pa | nel 640 of 1135 |
| | 100-year Floodplain Elevation is: (NGVD) | 101 070 01 1100 |
| | Aerial Photographs (Name & Date): 1995 Hedwig Village DOQQ | |
| | Other photographs (Date): Photographs submitted by applicant on | 21 June 2005 |
| | Advanced Identification Wetland maps: | |
| | Site visit/determination conducted on: | |
| | Applicable/supporting case law: | |
| | Other information (please specify): | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRICT | OFFICE. | CECWG D | $\mathbf{E} \mathbf{D} \mathbf{C}$ |
|-----------|-------------|----------------|------------------------------------|
| DISTRICT. | VIET IV. P. | C.1.43 VV C1-F | 17-17 |

FILE NUMBER: D-17414

| DD | Λ | TE | CT | T | ^ | C | ٠, | TI | r | N | J | IN | E, | n | D | ħ | Л | A | П | ГT | • | M | N | ı |
|----|----|--------|----|---|---|-------------|----|----|----|---|---|----|----|---|----|----|---|---|----|----|---|---|---|---|
| Гĸ | ., | . f F. | | | | L .P | | 11 | ۹. | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | | r' | v | Æ٨ | w. | " | н | lΙ | | u | , | | |

State: Texas

County: San Jacinto County

Center coordinates of site (latitude/longitude): 30° 38' 55"N, 95° 07' 48"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: ____0.5___ acres.

Name of nearest waterway: Lake Livingston

Name of watershed: Lower Trinity

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 17 October 2005 Date(s): 21 July 2005

| Jurisdictional | Determination | (JD) | 1: |
|----------------|----------------------|------|----|
|----------------|----------------------|------|----|

| Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the |
|---|
| United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| (Reference 33 CFR part 331). |

| Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). |
|---|
| Check all that apply: |

| 🔀 There are | "navigable waters | of the United States" | (as defined | by 33 CFR | part 329 and | d associated | guidance) v | within |
|--------------|-------------------|-------------------------|-------------|------------|--------------|--------------|-------------|--------|
| the reviewed | area. Approximate | e size of jurisdictiona | 1 area: 2. | 000 square | feet | | | |

| There are ' | waters of the United S | States" (as defined b | by 33 CFR part 328 an | d associated | d guidance) within the |
|----------------|------------------------|-----------------------|-----------------------|--------------|------------------------|
| reviewed area. | Approximate size of | jurisdictional area: | 1,500 square feet | • | ; |

| There are | "isolated, | non-navigable, | intra-state | waters or | wetlands" | within | the rev | iewed | area. |
|-----------|------------|----------------|-------------|-----------|-----------|--------|---------|-------|-------|
| | | | | | | | | | |

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are located in and contiguous to Lake Livingston, which is a navigable water of the United States.

| 1 | ateral F | Extent of Jurisdiction: (Reference: 33 CFR parts | 200 10 | ••• | FILE NUMBER: D-17414 |
|------|-------------|--|-----------------|----------|--|
| Î | Ordin | nary High Water Mark indicated by: | | | |
| 16 | | olega noticed line increased by: | | High | Tide Line indicated by: |
| | H | clear, natural line impressed on the bank | | Ц | oil or scum line along shore objects |
| | H | the presence of litter and debris | | Ш | fine shell or debris deposits (foreshore) |
| | | changes in the character of soil | | | physical markings/characteristics |
| | | destruction of terrestrial vegetation | | | tidal gages |
| | | shelving | | \sqcap | other: |
| | \boxtimes | other: 131-elevation | | _ | |
| *** | | | | | |
| | Mean | High Water Mark indicated by: | | | |
| | ☐ sı | urvey to available datum; 🔲 physical markings; [| vegeta | tion l | lines/changes in vegetation types |
| *** | | | | | |
| | Wetla | and boundaries, as shown on the attached wetland | delineation | on m | an and/or in a delineation report prepared by |
| | Re | port prepared by Dr. Justin Williams, Ph.D. | | | up and or in a defineation report prepared by: |
| | | -, | | | |
| В | asis For | Not Asserting Jurisdiction: | | | |
| | The re | eviewed area consists entirely of uplands. | | | |
| | Unab | le to confirm the presence of waters in 33 CFR pa | rt 328(a)(| 1 2 | or 4.7) |
| | Head | quarters declined to approve jurisdiction on the ba | cic of 33 | CED | 01 4=7j. |
| | The C | Corps has made a case-specific determination that | the follow | vina. | part 320.3(a)(3). |
| | Unite | ed States: | uic ionov | villg | waters present on the site are not Waters of the |
| | | | anda an la | | 22 CPP |
| | | Waste treatment systems, including treatment per Artificially irrigated areas, which would revert t | onus on la | goon | is, pursuant to 33 CFR part 328.3. |
| | ŏ | Artificial lakes and nonds created by average in a | o upiana | ıı ıne | : irrigation ceased. |
| | _ | Artificial lakes and ponds created by excavating | and/or d | ıkıng | dry land to collect and |
| | | retain water and which are used exclusively for rice growing. | such purp | oses | as stock watering, irrigation, settling basins, or |
| | | | 11 | | |
| | | Artificial reflecting or swimming pools or other | small orn | ame | ntal bodies of water created |
| | | by excavating and/or diking dry land to retain w | ater for p | rımaı | rily aesthetic reasons. |
| | | the purpose of obtaining fill and in dry land inci | dental to | cons | truction activity and pits excavated in dry land for |
| | | the purpose of obtaining fill, sand, or gravel unle | ess and ui | itil tr | 16 construction or excavation operation is |
| | | 328.3(a). | s the defin | nitio | n of waters of the United States found at 33 CFR |
| | | | | | |
| | H | Isolated, intrastate wetland with no nexus to inte | erstate cor | nmei | ce. |
| | H | Prior converted cropland, as determined by the I | Natural Re | esour | ces Conservation Service. Explain rationale: |
| | H | Non-tidal drainage or irrigation ditches excavate | d on dry | land. | Explain rationale: |
| | ш | Other (explain): | | ž. | |
| • | | | | | |
| | | | | | |
| DATA | DEVIE | WED FOR HIDGIDICTIONAL PREPARATION | | | |
| DAIA | Mone | WED FOR JURSIDICTIONAL DETERMINA | TION (n | ıark | all that apply): |
| (2) | Dete e | plans, plots or plat submitted by or on behalf of the | ne applica | nt. | |
| | Datas | heets prepared/submitted by or on behalf of the ap | plicant. | | |
| | | his office concurs with the delineation report, date | d <u>21 Ser</u> | teml | per 2005, prepared by Dr. Justin Williams, Ph.D. |
| | | ms office does not concur with the defineation repo | ort, dated | | , prepared by (company): |
| 35 | Data S | neets prepared by the Corps. | | | • • • • |
| | Corps | ' navigable waters' studies: | | | |
| | U.S. G | Geological Survey Hydrologic Atlas: | | | |
| | U.S. G | Geological Survey 7.5 Minute Topographic maps: | | | |
| | U.S. G | Geological Survey 7.5 Minute Historic quadrangles | 3: | | |
| | U.S. G | eological Survey 15 Minute Historic quadrangles: | : | | |
| 123 | USDA | Natural Resources Conservation Service Soil Sur | vey: | | |
| | Nation | al wetlands inventory maps: | • | | |
| | State/L | Local wetland inventory maps: | | | |
| | FEMA | FIRM maps (Map Name & Date): San Jacinto Co | ounty Te | cas P | anel 5 and 8 of 16 |
| | 100-ye | ear Floodplain Elevation is: (NGVD) | ,, 10 | 1 | mier o mid 0 01 10 |
| | Aerial | Photographs (Name & Date): | | | |
| | Other 1 | photographs (Date): | | | |
| | Advan | ced Identification Wetland maps: | | | |
| | Site vis | sit/determination conducted on: | | | |
| | | able/supporting case law: | | | |
| | Other i | information (please specify): | | | |
| | | (Premos spoorty). | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILE N PROJE Sta Co Ce Ap Na | UMBER: I-4820 CT LOCATION INFORMATION: te: Texas unty: Jefferson hter coordinates of site (latitude/longitude): 29° 59' 28"N, 93° 55' 55"W proximate size of area (parcel) reviewed, including uplands: me of nearest waterway: Neches River me of watershed: Neches River |
|--|---|
| | DICTIONAL DETERMINATION mpleted: Desktop determination |
| Ju | risdictional Determination (JD): |
| | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| × | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| В. | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. |
| | (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. |
| | (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

I4820

| Lateral | Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas Marie Mari | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): . This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur North, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Applicant's information |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILI PRO | E NU DJEC State Cour Cent App Nam | e: nty: ter coordir roximate s | TION IN Louisians Calcasieu nates of si- size of are | ı Parish te (latitude a (parcel) ı ay: Hamp | O1 FION: /longitude reviewed, | including | 30° 12' g uplands: _U | 14"N, 93° 35' 17"W Jnknown |
|-------------|---|--|--|--|--|---|---|--|
| JUR | | | | RMINAT determinat (s) | | X | Date: Date(s): | 10/18/05 |
| | Juri | sdictiona | Determi | nation (JI | D): | | | |
| | | United St | ates" and | ased on av /or "naviga (part 331) | able water | formation s of the U | , there ap Inited States' | ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable |
| | Ø | Approved Check all | | | JD is an a | ppealable | e action (Refe | erence 33 CFR part 331). |
| | | There | are "nav wed area. | igable wate Approxim | ers of the late size o | United St f jurisdict | ates" (as def tional area: | fined by 33 CFR part 329 and associated guidance) within |
| | | There reviewed | are "wat | ers of the U proximate | United Sta size of jus | tes" (as o | defined by 33 al area: | 3 CFR part 328 and associated guidance) within the |
| | | ■ There | are "isol | ated, non- Decision Jurisdicti | supported | , <i>intra-sta</i> l by SWA | ate waters or NCC/Migra | wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No |
| BAS | SIS C A. | Waters of | lefined u | aters that a | FR part 3 re subject | 29 as "na to the ebl | b and flow of | ters of the United States": f the tide and/or are presently used, or have been used in or foreign commerce. |
| | B. | (1) The printerstate (2) The properties (3) The properties and flats destruction (i) where the properties (ii) where the properties (iii) where the printers (iiii) where the printers (iiii) where the printers (iiii) where the printers (iiii) where the printers (iiiiii) where the printers (iiiiiiiii) where the printers (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii | oresence of or foreign oresence of oresence of wetlands on of which | f waters, we need to commerce from the read of the reads, sloughs, and could attent to could be a c | which are one, including waters in ters such a prairie po feet interse used by i | currently or all was cluding in a sintrasta tholes, we state commenterstate | used, or were ters which are nterstate wet te lakes, rive et meadows, merce includ or foreign tra | f the United States": e used in the past, or may be susceptible to use in re subject to the ebb and flow of the tide. clands . ers, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ling any such waters (check all that apply): avelers for recreational or other purposes. and sold in interstate or foreign commerce. |
| | | (4) Impo (5) The p | which are undments bresence of bresence of | or could to of waters fatributar | be used for otherwise by to a wat I seas. | r industria defined a er identif | al purposes bus waters of the in (1) – (| by industries in interstate commerce. the US. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hampton Coulee Canal is a tributary to Sabine River, a navigable water of the United States

| FILE NUMBER: | D-17384/01 |
|--------------|------------|
|--------------|------------|

| Lateral | Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|---------|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): . This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Vinton, Louisiana U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acount and the Historic quadrangles: U.S. Acount and wellands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Acrial Photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Applicant's information |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23956

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County: Harris
Center coordinates of site (latitude/longitude):

30-2-1 / 95-24-26

Approximate size of area (parcel) reviewed, including uplands: 0.01 acres. Name of nearest waterway: Cypress Creek

Name of nearest waterway: Cypress Creek Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-17-05

Date(s):

Jurisdictional Determination (JD):

| | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the |
|-------|---|
| xuauu | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.01 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.01 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23956 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

D-17802 FILE NUMBER: BETTE

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

30.0154N; 95.6259W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Faulkey Gully Cypress Creek Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 19 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.012 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17802 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rose Hill, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.